

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Dino Antolini,

Plaintiff,

-against-

Amy McCloskey et al.,

Defendants.

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 7/23/2021

1:19-cv-09038 (GBD) (SDA)

**ORDER**

**STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:**

The Court held a telephone conference this afternoon with counsel to the parties. Plaintiff failed to personally appear at that conference, in violation of the Court's Order that he participate in it. (*See* 7/22/21 Order, ECF 204.) As further discussed on the record, the Court hereby ORDERS, as follows:

The parties are directed to appear for a telephone conference on Wednesday, August 4, 2021, at 2:30 p.m. EDT. At the scheduled time, the parties shall each separately call (888) 278-0296 (or (214) 765-0479) and enter access code 6489745.

Plaintiff shall participate. A Court Reporter will be on the line, and Plaintiff shall be placed under oath. During the call, the Court will address, among other things, the *bona fides* of Plaintiff's belated requests to adjourn the Court-ordered continuation of his deposition, and the Court will decide whether to excuse, *nunc pro tunc*, Plaintiff's failure to appear for that deposition at 10:00 a.m. this morning as Ordered.

If Plaintiff fails to make himself available for, and/or refuses to participate at any time during, the telephone conference on the date above, I shall recommend that this case be

dismissed, for failure to obey discovery orders pursuant to Federal Rule of Civil Procedure 37(b) and/or failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

For the reasons stated on the record, no later than Friday, July 30, 2021, counsel for Defendants shall submit proof of any costs incurred in connection with this morning's cancelled deposition, as well as all contemporaneous time records from July 8, 2021 through July 22, 2021 corresponding to preparation for that deposition.

Discovery in this case remains stayed.

**SO ORDERED.**

Dated: New York, New York  
July 23, 2021

A handwritten signature in black ink, reading "Stewart D. Aaron", is positioned above a horizontal line.

STEWART D. AARON  
United States Magistrate Judge